



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,900	01/18/2002	Jonathan Edwards	GLOB001US0	9126
58293	7590	07/08/2009	EXAMINER	
FORTKORT & HOUSTON P.C.			POND, ROBERT M	
9442 N. CAPITAL OF TEXAS HIGHWAY			ART UNIT	PAPER NUMBER
ARBORETUM PLAZA ONE, SUITE 500				3625
AUSTIN, TX 78759				
			MAIL DATE	DELIVERY MODE
			07/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/052,900	EDWARDS, JONATHAN	
	Examiner	Art Unit	
	Robert M. Pond	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 March 2009.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

Response to Amendment

All pending claims 1-11 were amended and examined in this final office action necessitated by amendment.

Response to Arguments

Rejection under 35 USC 101 and 112 are withdrawn due to amendment. Applicant's arguments, see Remarks, filed 27 May 2008, with respect to the rejection(s) of claim(s) 1-11 under 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hare as necessitated by amendment. Arguments based on Barnes as the primary reference are moot.

This case is in final status. The Examiner, however, is suggesting Applicants consider scheduling a telephone interview for discussing future prosecution strategy.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-11 are rejected under 35 USC 102(e) as being anticipated by Hare (US 6,850,900).

Hare teaches all the limitations of claims 1-11. For example, Hare discloses a system and methods of providing an electronic marketplace for participating suppliers and buyer. See at least abstract; Fig. 1; Figs. 8-11Q; col. 3, line 65-col. 7, line 13; col. 8, line 46-col. 12, line 46. Hare further discloses:

- Regarding claim 1. accessing a database containing variable elements of an on-line catalog, the elements including items suppliable by a vendor;
See at least Fig. 1; Fig. 5; col. 4, line 46-col. 5, line 5; col. 9, line 25-col. 10, line 16; col. 12, line 47-col. 16, line 27.
- Regarding claim 1. constructing an electronic catalog having one or more pages by selecting elements to be included in the pages, and providing commercial terms applicable to the included elements, where the selecting and providing steps are performed consistent with contract terms between the purchasing entity and the vendor, wherein said commercial terms include both intrinsic terms and extrinsic terms; See at least Figs. 8-10; Figs. 11-11Q; col. 16, line 30-col. 20, line 15;
- Regarding claim 1. providing electronic access to the catalog to users authorized by the purchasing entity; See at least Fig. 1; col. 5, lines 15-35; col. 6, lines 31-48;
- Regarding claim 1. providing an interface to one or more documents that an authorized user can access, which one or more documents include the

commercial terms applicable to a set of elements the user may wish to select; See at least col. 16, line 28-col. 22, line 19.

- Regarding claim 1. *providing a selected page of the catalog to the user in response to user input;* See at least col. 16, line 30-col. 20, line 15;
- Regarding claim 1. *forwarding an order to a vendor for fulfillment, wherein the order includes the intrinsic and extrinsic terms required to satisfy the order.* See at least col. 30, line 54-col. 31, line 10.
- Regarding claims 2-11. Rejections are based on disclosures noted above and additional disclosures by Hare. Reporting and tracking disclosed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert M. Pond/
Primary Examiner, Art Unit 3625
July 2, 2009